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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/567,031	09/26/2006	Yoshitugi Hashiba	358275.20013	2343
32256	7590	09/19/2007	EXAMINER	
REED SMITH LLP			DESAI, HEMANT	
3110 FAIRVIEW PARK DRIVE			ART UNIT	PAPER NUMBER
FALLS CHURCH, VA 22042			3721	
MAIL DATE		DELIVERY MODE		
09/19/2007		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/567,031	HASHIBA ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Hemant M. Desai	3721

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 26 September 2006.
- 2a) This action is FINAL.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-20 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-20 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 9/26/06 & 10/30/06
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application
- 6) Other: \_\_\_\_\_.

## DETAILED ACTION

### ***Specification***

1. It is noted that this application is National Stage of PCT Application No. PCT/JP04/11269, filed on August 05, 2004. A reference to the prior application must be inserted as the first sentence(s) of the specification of this application.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-3, 5-11, 14-20 re rejected under 35 U.S.C. 102(b) as being anticipated by Bullock et al. (5170609).

Bullock et al. disclose a packaging apparatus comprising a charging device for charging object into a storage bag (see col.6, lines 30-35) having an open end, an air removing device (56a, 56b, figs. 1-2) for expelling air from the storage bag into which the object has been charged, and a sealing device (28a, 28b, 29a, 29b, figs. 1-2) for sealing the open end of the storage bag from which the air has been expelled, wherein the sealing device is actuated with a slight delay after the air has been expelled from the storage bag by the air removing device (see col. 6, lines 43-48), which meets all the claimed limitations. The phrase “granular object....ability”, claim 1, line 2, is functional language and therefore no patentable weight is given.

Regarding claim 2, Bullock et al. disclose that the storage bag is formed by sealing a tube transversely.

Regarding claims 3 and 11, Bullock et al. disclose that the air-removing device pinches the storage bag, into which the object has been charged, to expel air therefrom.

Regarding claim 6, Bullock et al. disclose a sealing device (28a, 28b, figs. 1-2) for sealing a tube transversely at a first position, a charging device (see col. 30-35) for charging a granular object into the tube sealed at the first position, and a pinching device (56a, 56b) for pinching the tube into which the granular object has been charged, wherein the tube is sealed transversely at a second position (29a, 29b) opposite the first position with respect to the pinched part, and wherein the sealing device is actuated with a slight delay after the pinching device has been actuated (see col. 6, lines 43-48).

Regarding claim 7, Bullock et al. disclose many variations and alternative drives to drive the sealing and pinching members (see col. 7, lines 3-17).

Regarding claims 8 and 16, Bullock et al. disclose that a face for pinching the tube is elastic and of a shape corresponding to a shape of tube containing the granular object.

Regarding claims 9 and 17-18, Bullock et al. disclose a measuring and packaging apparatus for measuring and packaging a granular object comprising a packaging apparatus of Claim 1, and a measuring device (see col. 30-35) for measuring the granular object to be supplied to the packaging apparatus.

Regarding claims 10, 19 and 20, Bullock et al. disclose a method for producing a package, comprising the steps of supplying a granular object to the measuring and

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packaging apparatus according to Claim 9, measuring the granular object with the measuring device, and packaging the measured granular object with the packaging apparatus.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 4, 12 and 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bullock et al. (5170609) in view of Cullen (3990872).

Bullock et al. disclose all the claimed limitations except for filling granular material having adsorption ability. However, Cullen teaches a package (figs. 1-3) with granular material having adsorption ability (16) for the purpose of adsorbing moisture and gases (see col. 1, lines 1-5). Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to use the apparatus and method of Bullock et al. to fill the granular material having adsorption ability to make the package as taught by Cullen for the purpose of adsorbing moisture and gases.

***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hemant M. Desai whose telephone number is (571) 272-4458. The examiner can normally be reached on 6:30 AM-5:00 PM, Mon-Thurs..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi I. Rada can be reached on (571) 272-4467. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

*Hemant M Desai*  
Hemant M Desai  
Primary Examiner  
Art Unit 3721

/hd/